

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of:	)	
	)	
Expanding Flexible Use of the 3.7 GHz to 4.2 GHz Band	)	GN Docket No. 18-122
	)	
Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz	)	GN Docket No. 17-183
	)	

*Expedited Action Requested*

**SES AMERICOM, INC. AND INTELSAT LICENSE LLC REQUEST FOR  
CONSOLIDATED FILING OPTION FOR C-BAND RECEIVE-ONLY EARTH STATIONS  
AND FOR EXTENSION OF FILING WINDOW**

SES Americom, Inc. (“SES”) and Intelsat License LLC (“Intelsat”), pursuant to Section 1.4 of the Commission’s rules,<sup>1</sup> hereby request that the Commission expeditiously authorize a streamlined, batch filing approach for the registration of fixed-satellite service (“FSS”) receive-only earth stations in the 3.7-4.2 GHz band. In deciding the future of the band, the Commission seeks to develop an accurate understanding of the deployment of receive-only earth stations and the critical services they enable. For this snapshot, the Commission needs limited information from earth stations in need of interference protection but incapable of causing interference to others. Therefore, SES and Intelsat ask the agency to take a pragmatic approach and accept for filing scaled-down registration applications.

Specifically, the Commission should permit applicants with multiple receive-only earth station sites to submit a single Form 312 with an attachment listing the coordinates of each identified station. A single registration fee should be required to accompany the filing. Granting

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<sup>1</sup> 47 C.F.R. § 1.4.

this relief will decrease barriers to registration of C-band receive-only earth stations, permitting the Commission to gather a more complete database of FSS operations. Additionally, SES and Intelsat request that the Commission extend the filing window for applications to register existing receive-only antennas by 60 days. Given the time-sensitive nature of these matters, SES and Intelsat request expeditious Commission action.

## **I. BACKGROUND**

Intelsat and SES are the premier providers of FSS in the 3.7-4.2 GHz band, delivering video and audio programming enjoyed by tens of millions of Americans, supplying essential communications to rural consumers, facilitating rapid restoration of communication services during emergencies, and supporting operations of military and civilian government agencies that are critical to the public interest. SES and Intelsat have been active in the above-referenced proceedings in which the Commission is considering whether to permit new terrestrial operations in the 3.7-4.2 GHz band and have emphasized the importance of protecting vital FSS operations.

On April 19, 2018, the International, Public Safety and Homeland Security, and Wireless Telecommunications Bureaus (“Bureaus”) released a Public Notice announcing a freeze on applications for new FSS earth station licenses, receive-only earth station registrations and fixed microwave licenses in the 3.7-4.2 GHz frequencies.<sup>2</sup> The Public Notice instituted a 90-day window during which operators of existing earth stations in the 3.7-4.2 GHz band may register or license their earth stations.

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<sup>2</sup> *Temporary Freeze on Applications for New or Modified Fixed Satellite Service Earth Stations and Fixed Microwave Stations in the 3.7-4.2 GHz Band; 90-Day Window to File Applications for Earth Stations Currently Operating in the 3.7-4.2 GHz Band*, Public Notice, GN Docket Nos. 17-183, 18-122, DA 18-398 (April 19, 2018) (“Public Notice”).

The Public Notice waived the requirement for an exhibit demonstrating frequency coordination with terrestrial stations, which is helpful in reducing the cost of registering. Nevertheless, significant obstacles to registration of receive earth stations remain: the Commission did not simplify the technical information requirements, and the filing fee of \$435 for registering each earth station site is still in place. Even so, the Public Notice cautioned that, as the Commission explores opportunities for expanded use of the C-band, it may choose to take into consideration *only* those earth stations that are licensed or registered as of the close of this filing window.<sup>3</sup>

Based on feedback from a number of our customers, SES and Intelsat are gravely concerned that adhering to the current registration procedure would make it unlikely that many operators of receive-only earth stations will prepare and submit the currently required Form 312 information and pay the associated registration filing fees for their sites. For example, Intelsat has explained that a religious broadcaster utilizes Intelsat capacity to deliver programming to more than 3,700 unregistered receive-only earth stations currently operating in the 3.7-4.2 GHz band.<sup>4</sup> This entity does not have the resources to gather the information in a very limited amount of time to complete 3,700 separate Form 312s and associated Schedule Bs, and the filing fees on a per-site basis would exceed \$1.6 million.

But the extent of the problem is much broader. SES and Intelsat understand that for many parties whose receive-only sites number in the tens or hundreds, rather than the thousands, the administrative and financial burdens imposed by the existing Commission procedures represent a

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<sup>3</sup> *Id.* at 5.

<sup>4</sup> *See* Reply Comments of Intelsat License LLC, RM-11791, filed Aug. 22, 2017, at 3-4.

significant barrier to registering all their sites. Many do not have sufficient resources to even prepare and submit an individual request seeking relief from these costs and are likely to forego registration altogether. Such a result would seriously undermine the objective expressed in the Public Notice: gaining “more accurate information about existing earth stations.”<sup>5</sup>

To encourage as many receive-only earth station operators to register their sites as possible, SES and Intelsat ask the Commission to allow applicants to make a single submission that includes multiple earth station sites with payment of a single fee. The submission should also be limited to the information that is necessary for the Commission to understand the extent of earth station deployment as it considers the feasibility of introducing new terrestrial services in the C-band. The Public Notice essentially requires existing earth stations to register to ensure they will be considered for any accommodation, protection or repacking the Commission may authorize or require if it allows expanded terrestrial use of the band. Under these circumstances, implementing a simplified, consolidated registration procedure for all applicants and providing limited fee relief will lessen the unnecessary and disproportionate burden on earth station operators currently operating in accordance with Commission rules. These measures will reduce barriers to registration in the very limited time amount of time provided – thus providing the Commission with a more accurate understanding of existing use of the C-band for critical satellite services.

## **II. PROCEDURAL STREAMLINING AND FEE RELIEF ARE WARRANTED**

Pursuant to its rules, the Commission ordinarily requires an individualized showing in support of any requested departure from established Commission filing requirements and similarly

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<sup>5</sup> Public Notice at 1-2.

considers fee waivers only for specific applicants with respect to their applications.<sup>6</sup> The Commission, however, has authority to waive such rules and policies on its own motion or by petition for good cause.<sup>7</sup> The facts and unusual circumstances underlying the Public Notice clearly warrant blanket relief allowing procedural simplification and reduction in fees for all receive earth station registrants.

The record of this proceeding demonstrates that there are thousands, and likely tens of thousands, of lawfully unregistered earth stations presently operating in the C-band in accordance with Commission rules.<sup>8</sup> If the Commission insists on both *de facto* site-specific registration and substantial application fees, the obligation to file separate applications for each receive earth station location will impose substantial burdens on earth station operators, especially those with limited resources and/or large numbers of receive antennas, creating a disincentive for operators to register their antennas.

The Commission can address both the excessive administrative burden associated with registering multiple earth stations and the substantial fee assessment by implementing a consolidated filing approach. Specifically, operators should be permitted to submit information identifying multiple receive earth station locations via an attachment to a single registration Form 312 and with payment of a single \$435 fee, and the information submitted should be limited to that which the Commission needs to conduct its assessment of the current operating environment in the 3.7-4.2 GHz band: basic information about the registrant and the coordinates

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<sup>6</sup> 47 C.F.R. § 1.1119(b).

<sup>7</sup> 47 C.F.R. § 1.3.

<sup>8</sup> See Reply Comments of the Satellite Industry Association at i, 2, 14, 16, GN Docket No. 17-183 (Nov. 15, 2017); Comments of the American Cable Association at 2, 4, n.6, GN Docket No. 17-183 (Oct. 2, 2017).

of the site. This mechanism will significantly decrease the time and resources required to assemble registration filings by eliminating the need to prepare and submit a separate Form 312 and Schedule B for each receive antenna site. Requiring payment of only one filing fee will avoid imposing substantial costs on applicants who receive no meaningful benefit from registration under the current regulatory framework.

SES and Intelsat understand and appreciate why the Commission is seeking additional information regarding use of the C-band prior to making any significant policy decisions and the agency's desire to do so expeditiously. This includes obtaining more accurate data concerning the number of earth stations in operation. Nevertheless, as currently constructed, the Public Notice imposes substantial burdens on parties who are reliant on FSS delivery of content, including television and radio networks, cable systems, government entities, religious broadcasters, and others. By adopting the steps outlined herein, the Commission can minimize the economic and administrative costs operators of receive earth stations must bear as part of this significant data collection effort.

The Commission should also extend the deadline for registering receive-only antennas that were operating on April 19, 2018 to allow operators time to evaluate any new approach the Commission proposes and to prepare the necessary information. Many earth station operators are not well versed in FCC filing procedures and may need time to gather the requested information and to prepare and submit applications that may be unfamiliar to them. To ensure any consolidated filing process achieves the intended goal of generating a more complete record of existing receive-only operations, the Commission should extend the filing window by 60 days.

### III. CONCLUSION

SES and Intelsat urge the Commission to implement a consolidated filing option for registration of receive-only earth stations. Allowing operators to register multiple sites in one application and pay only one fee will provide the Commission with significantly improved information by encouraging registration. Additionally, SES and Intelsat urge the Commission to extend by 60 days the deadline to file applications to register existing receive-only antennas.

Respectfully submitted,

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Susan H. Crandall  
Associate General Counsel  
Intelsat Corporation  
7900 Tysons One Place  
McLean, VA 22102  
(202) 445-7557

\_\_\_\_\_/s/\_\_\_\_\_  
Petra Vorwig  
Senior Legal & Regulatory Counsel  
SES Americom, Inc.  
1129 20th Street N.W., Suite 1000  
Washington, D.C. 20036  
(202) 478-7143

June 18, 2018